

Remarks

The following is a response to the Office Action dated July 1, 2003.

Per the above amendment, claim 44, as amended, is believed to have overcome the rejection under 35 U.S.C. 112, first paragraph, as the language "one piece" has been deleted. Moreover, with "safety" added to the preamble of claim 44, it is believed that the rejection of claims 45-47 under 35 U.S.C. 112, second paragraph is now moot.

Claims 39-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeney et al. U.S. patent 5,764,726 in view of Newby et al. U.S. patent 6,436,086. Moreover, claims 39-41, 44-46 and 48-52 were rejected under 35 U.S.C. 102(e) as being anticipated by Newby.

Per the above amendment, each of independent claims 39, 44 and 48 has been amended to define the housing to be molded to the body of the device, or formed with the body from the same mold. The device of the instant invention is therefore a one-piece molded device such as that shown in Fig. 8. The support for the body and housing being molded together may be gleaned from page 6, lines 1-3 and page 10, lines 17-20.

Neither Sweeney nor Newby discloses a one-piece safety device that has a protective housing molded to the body of the device. Nor is there any suggestion that such be case, for Newby particularly discloses a housing that has a specific hinge mechanism, best shown in Figs. 3 and 4, that has a hanger bar 182 and a hook member 114 formed separately on housing 140 and collar 90, respectively. Moreover, for the embodiment of the Newby device as shown in Fig. 17, it is clear that the collar, in this instance 90a, is fitted to a needle hub 204, with housing 140a

being hingedly connected to collar 98. There is therefore no suggestion of any molding in Newby. Nor is there any suggestion of molding a single piece device in Sweeney, for Sweeney clearly discloses individual parts such as shield 36 being connected to a needle mount 52 by way of a snap on hinge 50. See Fig. 4. Again, there is no disclosure or suggestion in Sweeney that his device is a one-piece molded device.

In view of the foregoing, applicant respectfully submits that the instant invention is patentably distinguishable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and allow the pending claims at an early date.

Respectfully submitted,


Louis Woo, Reg. No. 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22314
Phone: (703) 299-4090

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